Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
Spectrum Task Force Invites Technical Input	)	ET Docket No. 10-142
on Approaches to Maximize Broadband Use	)	WT Docket Nos. 04-356 and 07-195
of Fixed/Mobile Spectrum Allocations in the	)	
2 GHz Range	)	

REPLY COMMENTS OF TERRESTAR NETWORKS INC.

TerreStar Networks Inc., Debtor-in-Possession ("TerreStar")[1] hereby replies to comments submitted in response to the Spectrum Task Force's Public Notice in this proceeding.[2] As discussed below, TerreStar agrees with commenters that as the Commission explores ways to optimize use of the 2 GHz band for mobile broadband, its planning should take into account the critical benefits of Mobile Satellite Services ("MSS") and Ancillary Terrestrial Component ("ATC"), the need for further study of interference concerns associated with various band plans, and the importance of exploring voluntary market-based options to advance 2 GHz mobile broadband.

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[1] On October 19, 2010, TerreStar Networks Inc. and certain of its affiliates (collectively "Debtors") filed voluntary petitions for relief under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New York. On July 7, 2011, the Bankruptcy Court approved the sale of the Debtors to a wholly owned subsidiary of DISH Network Corporation. *See TerreStar Networks Inc*., Case No. 10-15446 (SHL) (SDNY July 7, 2011). The parties will be filing appropriate applications to seek Commission consent for the proposed transaction.

[2] *See Public Notice*, "Spectrum Task Force Invites Technical Input on Approaches to Maximize Broadband Use of Fixed/Mobile Spectrum Allocations in the 2 GHz Range," DA 11-929 (rel. May 20, 2011) ("Notice").

MSS/ATC provides important services that benefit the public. As a threshold matter, the record reflects that MSS and ATC services provide significant benefits to the public. As the Mobile Satellite Users Association notes, MSS networks are uniquely positioned to meet the needs of first responders, because they are "immune from the kinds of natural and man-made disasters that can affect ground-based infrastructure."[3] MSS is therefore "essential for government and commercial users both within the United States and overseas."[4] MSS/ATC, in turn, combines ubiquitous satellite coverage with the capabilities of terrestrial wireless broadband networks. As DBSD observes, "MSS/ATC is uniquely positioned to provide high-speed terrestrial broadband services … to areas where terrestrial coverage does not exist or is otherwise insufficient to fulfill demand."[5] Indeed, the Notice "recognize[s] the Commission's intent to ensure that the U.S. market, as a whole, continues to have robust MSS capabilities to serve critical public safety, homeland security, and rural needs."[6]

Interference issues require more study. Numerous commenters observe that the juxtaposition of uplink and downlink bands in adjacent spectrum creates unique interference issues.[7] As explained in its comments, TerreStar operates today in the 2000-2010 MHz

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[3] *See* Comments of the Mobile Satellite Users Association at 1 (July 7, 2011) ("MSUA Comments").

[4] *Id*.

[5] *See* Comments of the New DBSD Satellite Services G.P. at 2 (July 8, 2011) ("DBSD Comments").

[6] *See* Notice at 1 n.2.

[7] *See, e.g.,* Comments of AT&T at 5-6 (July 8, 2011) ("AT&T Comments"); Comments of CTIA – The Wireless Association® at 12 (July 8, 2011) ("CTIA Comments"); DBSD Comments at 4-5; Comments of Sprint Nextel Corporation at 3-5 (July 8, 2011) ("Sprint Nextel Comments"); Comments of T-Mobile USA, Inc. at 10-11 (July 8, 2011) ("T-Mobile Comments"); Comments
(continued on next page)

spectrum, which has been designated as an MSS earth station and ATC mobile terminal uplink band.[8] Even though service rules have not been adopted or licenses issued for the adjacent AWS H-Block (1995-2000 MHz), the Commission has previously proposed to designate it as a cellular base station downlink band.[9] TIA notes that "[a] lack of separation between the uplink and downlink frequency bands can pose significant interference issues."[10] As the Commission explores various options for maximizing broadband use of the 2 GHz spectrum, Sprint Nextel asserts that "further study and technical analysis" is needed.[11] As one option, Ericsson suggests that "the public interest would be served by considering the use of the upper H Block, from 1995-2000 MHz, as a guard band between MSS uplink transmissions and the upper end of the PCS downlink spectrum."[12]

There is support for voluntary incentive auctions and other voluntary market-based means to advance terrestrial mobile broadband. The record also reflects strong support for incentive auctions and other voluntary proposals to optimize use of the 2 GHz MSS spectrum to support terrestrial broadband services.[13] As noted in its comments, TerreStar supports the consideration of *voluntary* approaches to maximize terrestrial broadband use of the 2 GHz MSS

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of the Telecommunications Industry Association at 5-6 (July 8, 2011) ("TIA Comments"); Comments of Verizon Wireless at 6 (July 8, 2011) ("Verizon Wireless Comments").

[8] *See* Comments of TerreStar Networks Inc. at 4 (July 8, 2011) ("TerreStar Comments").

[9] *See id.* (citing cases).

[10] *See* TIA Comments at 5.

[11] Sprint Nextel Comments at 9.

[12] Comments of Ericsson at 9 (July 8, 2011) ("Ericsson Comments").

[13] *See* AT&T Comments at 7; CTIA Comments at 13-14 & n.43; Ericsson Comments at 2; Comments of the Information Technology Industry Council at 1 (July 5, 2011) ("ITI Comments"); T-Mobile Comments at 11; TIA Comments at 6; Verizon Wireless Comments at 6.

band. In considering such approaches, however, the "emphasis" must be on "voluntary approaches" that allow the marketplace to make rational choices with regard to service deployment.[14] TerreStar also notes that some commenters suggest that the Commission should consider pairing currently authorized 2 GHz MSS spectrum with other bands.[15] TerreStar presumes these proposals are made in the context of an incentive auction where 2 GHz MSS parties would relinquish spectrum on a voluntary basis. Any other context would present significant legal challenges.

This proceeding is not the place to raise BAS relocation cost issues. Finally, Sprint Nextel asks the Commission to "confirm the BAS spectrum clearing reimbursement obligations of the MSS entrants…."[16] This proceeding is not the place to revisit these issues that have been exhaustively addressed elsewhere,[17] but TerreStar notes that its general views on this issue are a matter of public record.[18]

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[14] *See* TerreStar Comments at 6 (quoting Notice at 3).

[15] *See, e.g.*, AT&T Comments at 6-7; T-Mobile Comments at 11; Verizon Wireless Comments at 5.

[16] Sprint Nextel Comments at 12; *see also id*. at 5-9.

[17] *See, e.g., New DBSD Satellite Servs. G.P. et al*., 25 FCC Rcd 13664, 13669 ¶ 12 & n.36 (IB 2010) (recognizing that, in the context of a 2 GHz MSS licensee's transfer of control application, "potential liability to Sprint Nextel is addressed in a separate Order in the BAS Relocation Proceeding and we will not revisit the issue here"); *TerreStar Networks Inc*., 24 FCC Rcd 14664, 14677 ¶ 30 (IB 2009) (declining to address BAS relocation costs in the context of a petition to exceed foreign ownership limitations, noting that approval of the petition "has little, if no bearing on BAS relocation costs, the subject of another Commission proceeding").

[18] *In re TerreStar Networks Inc., et al*., No. 10-15446 (SHL) (Bankr. S.D.N.Y.).

For the foregoing reasons, the Commission should take into account the issues raised above when examining the 2 GHz band.

Respectfully submitted,

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July 22, 2011